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MUR 5780

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Commission that the complaining party, Mr. William R. Caroselli, had any difficulty discerning who had sent the invitation or who to complain to the Commission about regarding the source of the communication.

Further, the provisions of 11 C.F.R. §110.11(2)(i) list the types of printed material to which the 'text box with 12 point type' apply, to-wit: "...when it is used for signs, posters, flyers, newspapers, magazines, or other printed material." The provisions of this section could have but do not include fundraising invitations when the clear beneficiary is a particular candidate and there can be no confusion as to who is sponsoring the event. There is no doubt in this instance that the Santorum committee issued the invitation and the proceeds were to benefit the Santorum committee.

Accordingly, Santorum Respondents contend that the disclaimer is in substantial compliance with the requirements of the Act and the complaint regarding this allegation should be dismissed.

2. **Allegation #2:** Including inside a text box on an invitation additional disclaimer(s) required by federal law, not required to be contained inside the text box and failure to include the allocation formula for distribution of joint fundraising proceeds.

FACTS: There is no prohibition in the Act or the Commission's regulations which precludes inclusion of other information inside the text box disclaimer required by 11 C.F.R. §110.11(2) such that the inclusion inside the text box of additional information and disclaimers required by other provisions of federal law is not prohibited.

Further, with respect to the allegation that the invitation contains no allocation formula for distribution of joint fundraising proceeds is patently false. The exhibits attached to the complaint and forwarded to Santorum Respondents by the Commission include the following document which was contained in the solicitation package sent to invitees and attached to the complaint:

Santorum Victory Committee
Joint Fundraising Notice and Contribution Guidelines

A copy of that page from the Complaint is attached to this Response. The notice and guidelines set forth the allocation formula required by 11 C.F.R. §102.17(2).

This allegation is false on its face as evidenced by the attachments to the Complaint. Accordingly, this allegation must be dismissed.

3. **Allegation #3:** Invitations to two events held at a similar location at similar times without establishing a joint fundraising committee.

FACTS: The events at issue were two wholly separate events, held on the same day within a time period immediately adjacent to each other. As evidenced by the attached affidavit

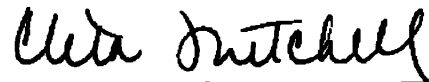
from Nadine Maenza, the individual responsible for the event which benefited Santorum 2006, she organized the Santorum 2006 event separately from the event which was organized to benefit the Republican Federal Committee of Pennsylvania. There was *no* joint fundraising at either event, all logistics, costs, solicitations, location(s), arrangements, parking, amounts, and other facets of the events were managed and conducted separately. No funds were commingled and all receipts and costs related to the two separate events were received, processed, recorded and processed separately by the beneficiaries of the two events as per the specific requirements for each.

Because no joint fundraising occurred before, during or after the two events held on the same day, no joint fundraising committee need have been formed for the respective events and no violation(s) of the Act were committed by any of the Respondent(s).

CONCLUSION

For the reasons stated above and because neither the facts nor the law support further proceedings with respect to the Complaint, and because Respondents have committed no violation(s) of the Act, Santorum Respondents respectfully move the Commission to dismiss the MUR and for such other necessary relief as deemed appropriate by the Commission.

Respectfully Submitted,



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Counsel for Respondents
Santorum 2006,
Gregg Melinson, in his official
capacity as Treasurer of Santorum 2006;
Rick Santorum and Santorum Victory
Committee, Keith Davis,
in his official capacity as Treasurer
of Santorum Victory Committee

28047190219

Submitted via hand delivery this 25th day of September, 2006

Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Attention Jeff Jordan, Esq., Supervisory Attorney
Complaints Examination and Legal Administration

28044190220

Joint Fundraising Notice and Contribution Guidelines

Allocation Formula:

1. The first \$2,100 from an individual to SANTORIUM 2006, designated for the general election;
2. The next \$10,000 from any individual to VICTORY 2006;
3. The first \$5,000 from any multi candidate PAC to SANTORIUM 2006 for the general election;
4. The next \$5,000 from any multi-candidate PAC to VICTORY 2006;
5. Contributions from non-qualified political committees shall be allocated in the same manner as contributions from individuals.

Instead of the allocation formula above, donor(s) may designate contributions in different amount(s) or to a specific Participant(s) and such earmarked contributions will be allocated to the Participant(s) in the amount(s) specified by the donor, provided no contribution may exceed the contribution limits under federal law. The allocation formula may change if any contributor makes a contribution that would exceed the amount he or she may lawfully give to any participant.

- Please park at the Villanova University Law School Parking lot, located just minutes from Villanova. The entrance to the Parking lot is located on County Line Road.
- Coaches will transport guests from Villanova University starting at 8:00 a.m.
- Breakfast will be served beginning at 8:00 a.m.
- White House has recommended everyone arrive by 8:00 a.m. Roads will be closed as the First Lady arrives.
- No parking is permitted at _____, but private cars will be permitted to drop off and pick up guests. See directions to _____ on the other side.
- Photo Identification may be required. Be prepared to have all bags searched.
- Cameras will be permitted, but not in the photo line. Video Cameras are not permitted.
- Please call if you need handicapped assistance at _____.

Follow I-476 south to exit 13, St. Davids/Villanova (LLS. Route 30). Follow Route 30 east to the second traffic light at Route 320, Spring Mill Road (Villanova Dining and Royal Bank will be on the left). Make a left turn at the light and follow the road over small bridge to the first traffic light at County Line Road (you will pass the front of Villanova's Law School). Make a right at the light onto County Line Road and go to the second entrance on the right where you can enter the parking lot for the Law School.

Commonwealth of Pennsylvania)
 County of Chester) ss:
)

2006-09-25 14:07

AFFIDAVIT OF NADINE MAENZA

I, Nadine Maenza, do hereby affirm and state as follows:

1. I am an adult citizen of the Commonwealth of Pennsylvania and a resident of Chester County.
2. I have served as a professional fundraiser for various campaign committees for more than twenty (20) years, including raising funds for the late Senator John Heinz, Republican of Pennsylvania and his successor, Sen. Rick Santorum (R-PA).
3. I have organized hundreds of fundraising events during my career, including the event on June 14, 2005 held in Bryn Mawr, PA, that benefited Santorum 2006 ("Santorum event").
4. I worked on the logistics of the Santorum event and can state unequivocally that the Santorum event was a self-contained, separate event from another event organized for the same date in a similar (but not identical) location to benefit the Republican Federal Committee of Pennsylvania ("PA GOP").
5. The invitations for the Santorum event were printed and paid for separately by Santorum 2006, were sent to a list separate from whatever list was used by the PA GOP, the checks for the Santorum event were received and processed by the Santorum finance office and were not commingled with proceeds for any other entity including the PA GOP, the logistics and program for the events were separate, the costs were separately calculated and paid by each respective event beneficiary and there were no joint fundraising efforts involved in these two separate events.
6. These were two separate events, not joint fundraising events in any manner whatsoever. The guest for each of the events was President Bush but the events were managed and conducted separately from each other.

Further Affiant Sayeth Not.

Nadine Maenza
 Nadine Maenza

Before me appeared this 25 day of September, 2006, Nadine Maenza and swore under penalty of perjury that the above and foregoing statements are true and correct to the best of her knowledge and belief.

SEAL

Jessica L. Kelly
 Notary Public

My Commission Expires:

